

10/674,96903AB002/ALBRP323US**REMARKS**

Claims 1, 3-9 and 32-35 are currently pending in the subject application and are presently under consideration. The specification has been amended as shown at pg. 3 of the Reply. Claims 1, 3 and 5 have been amended as shown at pg. 4 of the Reply. Claim 2 has been cancelled and new claims 32-35 have been added to further emphasize novel features of applicant's invention. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3-9 Under 35 U.S.C. §112

Claims 1 and 3-9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as an invention. In particular, the Examiner requests clarification on how a configuration device connected to a second power line could communicate with a controller connected to the first power line over the first and second power lines.

Applicant's representative respectfully submits that this claimed functionality is adequately described in the specification at page 6, line 29 to page 7, line 12 wherein it is stated that the communication between the controllers and configuration devices over the power lines is facilitated by an interface - the relevant section is reproduced below:

Interface 150 permits communication between devices over power lines. An interface 150 is associated with each device that desires to utilize power lines for communication purposes. Interface 150 can send messages to other devices by generating signals of differing frequencies than that utilized by power and introducing them onto the device's power line. Other devices utilizing an interface 150 can subsequently receive and decode the message over their power lines. A variety of methods can be employed to send and receive messages over electrical wires including but not limited to frequency key-shifting and orthogonal frequency-division multiplexing with forward error correction. Furthermore, although interfaces 150 are depicted as being included within each device according to one aspect of the present invention they can also be a separate unit. Accordingly, a power line can be connected to an interface 150 and the data communications connection can be made from interface 150 to

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particular devices *via* a serial port, parallel port, Ethernet connection, USB (Universal Serial Bus), FireWire, or the like.

Further at page 7 there is a detailed description of the interface that has also been depicted in Figure 2 of the application. In view of at least the above noted support in the specification for the subject claims, this rejection should be withdrawn.

II. Rejection of Claims 1, 3-9 Under 35 U.S.C. §103(a)

Claims 1 and 3-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Strom *et al.* (US 4,642,607). This rejection should be withdrawn for at least the following reasons. Strom *et al.* does not teach or suggest each and every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The invention relates to a system for configuring, setting-up and programming devices utilizing at least a power line. Each network device (e.g., programmable logic controller, machine, or sensor) contains a power line interface to facilitate communication over a power line network. The configuring devices utilizing the interface could use the same local power line network or any other network such as WANs to connect to the local power line network of the network devices in order to configure or program them. To this end, independent claim 1 recites a system for configuration and programming of controllers, *comprising* a controller connected to a power line; a *configuration device*

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that can be connected to more than one point in a network, wherein the configuration device and the controller utilize at least an interface to communicate over power line and the network to enable remote controller configuration and programming. Strom *et al.* fails to teach or suggest these novel features of the claimed invention.

Storm *et al.* discloses a transformer bridge/repeater for a power line carrier communications system that receives original message from a transmitting module and relays it to a receiving module. The cited reference discloses a power line communication network wherein more than one binary control modules but only *one computer* are connected to a *local power line network*. Whereas in the claimed invention *any number of configuration devices* can be *connected to any point in either a power line or any other network* to configure controllers while communicating with the controllers on their power lines utilizing an interface thus achieving *remote controller configuration and programming*. This novel aspect of the invention is neither taught nor suggested in the stated reference.

In view of at least the foregoing, it is submitted that the subject invention as recited in independent claim 1 and the associated dependent claims is not obvious over the cited art, and this rejection should be withdrawn.

10/674,96903AB002/ALBRP323US**CONCLUSION**

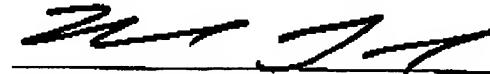
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP323US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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